

MEMORANDUM TO: All Members of the Metropolitan Council

FROM: Donald W. Jones, Director  
Metropolitan Council Office

DATE: **April 17, 2007**

RE: **Analysis Report**

Balances As Of:	<u><b>4/11/07</b></u>	<u><b>4/12/06</b></u>
<u>GSD 4% RESERVE FUND</u>	* \$985,007	\$1,632,890
<u>CONTINGENCY ACCOUNT</u>		
USD	\$50,000	\$50,000
<u>GENERAL FUND</u>		
GSD	\$31,120,793	\$26,413,198
USD	\$12,243,660	\$8,770,800
<u>GENERAL PURPOSE SCHOOL FUND</u>	\$37,755,710	\$17,566,775

\* Assumes estimated revenues in fiscal year 2007 in the amount of \$3,209,659

## – RESOLUTIONS –

**RESOLUTION NO. RS2007-1850** (RYMAN) – This resolution approves an application for an access to artistic excellence grant in the amount of \$50,000 from the National Endowment for the Arts to the Metropolitan arts commission. These funds will be used to pay a qualified arts management consulting firm, selected through an RFP process, to create a community cultural plan for Nashville. The goals for the plan are to present a comprehensive vision for the cultural development of Nashville over the next ten years. The consultant will use information derived from community meetings, interviews, focus groups, and planning sessions. The consultant is to be chosen by October 2007, and the plan is to be completed by December 2009. There will be a required match of \$50,000 to be provided from the arts commission budget.

**RESOLUTION NO. RS2007-1862** (RYMAN) – This resolution amends Resolution No. RS2006-1329, as amended, regarding the issuance of \$296,325,332 in GSD general obligation bonds and \$22,356,150 in USD general obligation bonds to provide funding for various projects contained in the 2006-2007 mayor's capital spending plan. The general obligation bonds to be issued pursuant to Resolution No. RS2006-1329 were to provide funding for some 57 GSD projects and 5 USD projects. Among the GSD projects to be funded with the general obligation bonds, the resolution included the following capital contributions to nonprofit organizations: (1) \$5 million for the African-American Museum; (2) \$5 million to the Nashville Symphony; (3) \$500,000 to the W.O. Smith Music School; and (4) \$205,000 to the Frist Center for the Visual Arts. Due to questions about the legality of using general obligation bonds to provide grants to nonprofit organizations, the council amended Resolution No. RS2006-1329 to prohibit the disbursement of bond proceeds to the nonprofit organizations until Metro's bond counsel issues an opinion that such disbursements are legal and will not adversely affect the tax-exempt status of the bond issue.

Metro's bond counsel has recently opined that state law does not permit the grant of general obligation bond proceeds to nonprofit organizations in the manner set forth in Resolution No. RS2006-1329. However, bond counsel further opined that these grants could be through MDHA for the purpose of financing "urban renewal projects" in redevelopment districts. With the exception of the W.O. Smith Music School, the nonprofit entities that were to receive the bond funding are all within redevelopment districts administered by MDHA.

This resolution amends RS2006-1329 to provide that the bond funds are to be distributed as grants to MDHA for the purpose of financing capital costs related to the African-American Museum, the Nashville Symphony Hall and the Frist Center for the Visual Arts. The amendment deletes the reference to the W. O. Smith Music School in the bond resolution.

**RESOLUTION NO. RS2007-1863** (PEPPER & SHULMAN) - This resolution appropriates \$250,000 from the reserve for council community policing initiative account of the general fund of the general services district to the Metropolitan police department to fund the police department's "community response teams". These funds were designated by the council in the budget for the 2006-2007 fiscal year as non-recurring funds to be used for community policing. The "community response teams" will be assigned and employed by the chief of police in his discretion, but the police chief is to take public input into consideration prior to deploying the teams. The police department will be held accountable by documenting and reporting to the council the man-hours used, funds used, number of arrests made and citations issued, as well as the community response to the program. A similar program was funded by the council in fiscal year 2002.

There is a proposed amendment for this resolution that would require the police department to consider the responses and concerns expressed by constituents at the community public safety forums held in each of the police sectors. The amendment would also require the police department to report back to the council public safety committee not later than August 7, 2007, as to the use of the funds and the effectiveness of the program.

All funds appropriated under this resolution must be expended by June 30, 2007.

**RESOLUTION NO. RS2007-1864** (RYMAN & GILMORE) – This resolution approves the salary for William S. Paul, M.D. as the new chief medical director of health. Under the Charter, the board of health can employ the chief medical director of health under an employment contract with a term not to exceed five years. The board of health recently appointed Dr. William S. Paul as the new chief medical director and has established the level of compensation at \$182,500. Although prior health director employment contracts have been submitted to the council for approval, the Charter only requires that the health director's compensation set by the board be approved by the council by resolution. This resolution simply approves the compensation for the chief medical director as recommended by the board of health. The prior health director's compensation was \$179,670 annually.

**RESOLUTION NO. RS2007-1865** (GILMORE & RYMAN) – This resolution approves a second amendment to the lease agreement between Meharry Medical College and the Metropolitan Government to permit Meharry to enter into an interest rate swap agreement to pay the debt on revenue refunding bonds to be issued in 2009. This 30-year lease agreement was entered into in 1994 to provide for a new General Hospital. Revenue bonds were issued by the health and educational facilities board (HEFB), the proceeds of which were loaned to Meharry through a loan agreement to finance the renovations to the former Hubbard Hospital for use as the new Metro General Hospital. Pursuant to the lease agreement, Metro pays annual rent to Meharry in the amount of \$4 million. In order to secure its obligations under the loan agreement, Meharry entered into an assignment of rents and an assignment of the lease agreement to a separate trustee, which was contemplated in the lease between Metro and Meharry.

Meharry desires to enter into an interest rate swap, which will likely require a refunding of a portion of the revenue bonds issued by the HEFB. The refunding bonds to be issued will be variable rate bonds rather than the typical fixed-rate bonds. In order to protect against fluctuations in interest rates, Meharry has entered into an interest rate swap agreement with Deutsche Bank, whereby Meharry will pay a fixed rate and Deutsche Bank will pay the variable rate if and when the 2009 refunding bonds are issued. As consideration for entering the agreement, Deutsche Bank will pay an upfront payment to Meharry, which is estimated to be in the \$900,000 range.

In order to do the interest swap, Meharry will be required to further assign its interests in the lease. Since the existing lease only contemplates one assignment, the lease agreement must be amended. The lease agreement provides that any amendments to the lease are subject to the approval of the council by resolution receiving 21 affirmative votes. This lease amendment will have no impact on the Metropolitan Government or the operation of General Hospital.

**RESOLUTION NO. RS2007-1866** (RYMAN & GILMORE) – This resolution approves a contract between the Metro health department and the state department of health to allow the Metro health

department access to state birth records for the purpose of issuing birth certificates. The term of this contract is from July 1, 2007 through June 30, 2012. Pursuant to the terms of this contract, Metro will have access to the state birth record computer database to issue copies of birth certificates to citizens. Metro will retain \$3.50 for the search and first copy of the birth certificate, and \$2.00 for each additional copy. The remainder of the fee for obtaining the copies will be sent to the state. A similar contract was approved by the council in 2002.

**RESOLUTION NO. RS2007-1867** (PEPPER & RYMAN) – This resolution accepts a grant in the amount of \$669,076.13 from the state emergency management agency to the mayor's office of emergency management to support homeland security capabilities. These federal pass-through funds will be used to complete an initial strategy implementation plan (ISIP) based upon the state's homeland security strategy to detect, prevent and protect citizens from the threat of terrorism and to respond to terrorist attacks. The term of this grant is from July 1, 2006 through April 30, 2008.

**RESOLUTION NO. RS2007-1868** (RYMAN & GILMORE) – This resolution ratifies and approves a contract between the Vanderbilt University School of Nursing and the Metropolitan board of health for professional nursing practitioner services. Pursuant to this contract, Vanderbilt will provide professional nursing practitioner services to patients and visitors at the YWCA domestic violence center clinic for four hours per week. Metro will pay \$54.22 per hour of services for a total contract amount of \$4,554.48. The term of the contract is from February 1, 2007 through June 30, 2007. Vanderbilt will be required to maintain professional liability insurance coverage in the amount of \$3 million.

**RESOLUTION NO. RS2007-1869** (RYMAN & GILMORE) – This resolution accepts an annual grant in the amount of \$51,000 from the state department of health to the Metropolitan health department for adolescent pregnancy prevention services. The term of the grant is from July 1, 2007 through June 30, 2008. The funds will be used to pay the salary of an adolescent pregnancy prevention program coordinator. The coordinator's duties will include making presentations concerning adolescent sexual behaviors, pregnancy, and parenting to community groups, writing articles, researching programs that can be channeled to established service providers, and organizing community awareness events.

**RESOLUTION NO. RS2007-1870** (GILMORE & RYMAN) – This resolution approves an agreement between the Metropolitan board of health and AmeriGroup of Tennessee, Inc., to make the Metro health department a provider of health care services for persons enrolled in the TennCare program. AmeriGroup has a contract with the state to arrange for managed health care services to persons covered under the TennCare program and wishes to contract with the health department to provide medical care to these persons.

Pursuant to this contract, the health department will become a participating provider of health care services facilitated by AmeriGroup for TennCare patients. The health department will be responsible for collecting the co-payments as established by the TennCare regulations. The health department will be compensated by AmeriGroup as follows:

- Professional services – 80% of the current Medicare Physician Fee Schedule
- Clinical laboratory services – 65% of the current Medicare Laboratory Fee Schedule

- Medical equipment, prosthetics, orthotics and supplies – 65% of the current Medicare Fee Schedule
- Preventative visits (new patients) - \$80.33 to \$95.39, depending on age
- Preventative visits (established patients) - \$63.04 to \$79.57, depending on age

Claims for payment must be submitted to AmeriGroup within 120 days of the date the service is provided.

The contract requires the health department to maintain professional liability insurance for its employees in the amount of \$1 million per occurrence and \$3 million aggregate. The health department is not required to provide general liability insurance, as Metro is self-insured up to the limits set forth in the governmental tort liability act.

This agreement has an initial term of two years, and will automatically renew annually for a total contract term not to exceed five years. Either party can terminate the contract upon 120 days written notice to the other party.

**RESOLUTION NO. RS2007-1871** (RYMAN & GILMORE) – This resolution approves an annual grant in the amount of \$75,000 from the state department of health to the Metro board of health to provide dental services to the homeless at the Downtown Clinic. These grant funds are used to cover the costs for providing dental services to the homeless consisting of emergency, restorative, periodontal, prosthodontic, and dental hygiene treatment. The term of the grant is from July 1, 2007 through June 30, 2008.

**RESOLUTION NO. RS2007-1872** (RYMAN & GILMORE) – This resolution approves an annual grant in the amount of \$20,000 from the state department of health to the Metropolitan health department for rape prevention education services. The term of the grant is from July 1, 2006, through June 30, 2007. These federal pass-through funds will be used to conduct educational seminars, preparation of informational material, operation of hotlines, training programs for college students, and development of a comprehensive annual action plan.

**RESOLUTION NO. RS2007-1873** (RYMAN & GILMORE) – This resolution approves an annual grant in the amount of \$696,000 from the state department of health to the Metropolitan health department to provide school-based oral disease prevention services. These funds will be used to retain dental personnel to provide oral disease prevention services to school children in grades K-8 attending schools with a high population of low-income students. The oral disease prevention services to be provided include oral health education, dental screenings, referral and follow-up for children who need urgent dental treatment, and dental sealants with parental consent. The term of the grant is from July 1, 2007 through June 30, 2008.

**RESOLUTION NOS. RS2007-1874 & RS2007-1875** – These two resolutions approve applications for grants from the state emergency management agency to the Metropolitan Government to fund the purchase and demolition of five homes located in a repetitively flooded area. If these federal pass-through grants are awarded, the homes will be acquired on a voluntary basis and Metro will be required to provide matching funds consisting of 25% of the purchase price to be provided from the stormwater division of Metro water services.

**Resolution No. RS2007-1874** (Adkins & Ryman) approves an application for a grant in the amount of \$626,962 to acquire and demolish homes located at 4802, 4806 and 4810 Milner Drive, and 373 Wimpole Drive. The Milner Drive homes are located on Seven Mile Creek, and the Wimpole Drive property is located on Mill Creek. The acquisition costs for the properties are as follows:

- 4802 Milner Drive \$213,210
- 4806 Milner Drive \$223,100
- 4810 Milner Drive \$251,170
- 373 Wimpole Drive \$148,470

If awarded, Metro will be responsible for the 25% local match totaling \$208,987.50.

**Resolution No. RS2007-1875** (Ryman & Adkins) approves an application for a grant to acquire and demolish a home located at 4808 Milner Drive, which is located in the Seven Mile Creek floodplain. The total estimated cost for this acquisition is \$195,920, with 75% of the cost (\$146,940) to be provided through the grant funds, and 25% of the cost (\$48,980) provided by Metro water services.

**RESOLUTION NO. RS2007-1876** (JAMESON & WALLACE) – This resolution accepts the downtown community plan 2007 update and the detailed neighborhood design plans for the 17 neighborhoods within the downtown area, which were adopted by the planning commission on February 22, 2007. The downtown community plan, formerly known as the subarea 9 plan, is one of fourteen subarea plans making up the general plan, which is used by the planning commission in its decision making process regarding zoning. This plan update is the result of nine community meetings and focus groups held between September 2006 and February 2007. This resolution is simply a memorializing of the plan by the council, as the plan has no binding effect on zoning decisions made by the council.

**RESOLUTION NOS. RS2007-1877 THROUGH RS2007-1893** – These seventeen resolutions appropriate funds from the council discretionary reserve account. The council appropriated \$1.95 million as part of the fiscal year 2006-2007 substitute operating budget to a reserve account for the council infrastructure program, nonprofit grants and other council initiatives. It was anticipated that each of the forty council members have \$48,750 in “discretionary funds” to be appropriated from the reserve account at a later date.

State law allows local government to make grants to nonprofit organizations, provided that certain information is submitted by the organization proving their eligibility for the funds, including a statement as to the proposed use of local government funding, a letter from the Internal Revenue Service evidencing its tax exempt status, and a copy of its annual audit in compliance with state law. In order to facilitate compliance with the state law requirements, the Metropolitan Code of Laws sets out specific information that nonprofit organizations must provide in order to receive Metro funding.

These requirements are as follows:

1. A copy of its corporate charter or other articles, constitution, bylaws, or instruments of organization;
2. A copy of a letter from the Internal Revenue Service evidencing the fact that the organization is a nonprofit, tax-exempt organization under the Internal Revenue Code;
3. A statement of the nature and extent of the organization's program that serves the residents of the Metropolitan Government;
4. The proposed use of the funds to be provided by the Metropolitan Government;

5. The proposed budget of the organization, indicating all sources of funds and a line-item identification of the proposed expenditure of Metropolitan Government funds;
6. A copy of the organization's audit for the most recent fiscal year.

Thirteen of these seventeen resolutions give grants to nonprofit organizations. The thirteen organizations to receive funding through these resolutions have provided the necessary information required by both state and local law.

**RESOLUTION NO. RS2007-1877** (TYGARD) appropriates \$1,000 from the reserve council infrastructure program, nonprofit grants and council initiatives account of the general fund of the general services district to the Young Men's Christian Association of Middle Tennessee. This organization provides many programs concerning health, wellness, recreation, leadership, and education. These funds will be used to pay a portion of the costs of the "We Build People" program to make the YMCA's programs and services available to all people in the community.

**RESOLUTION NO. RS2007-1878** (RYMAN) appropriates \$1,500 from the reserve council infrastructure program, nonprofit grants and council initiatives account of the general fund of the general services district to Youth, Incorporated. This organization provides a variety of recreational and sporting activities in the Nashville Middle Tennessee area. These funds will be used to pay for training for the coaches involved in the Youth, Incorporated sports leagues.

**RESOLUTION NO. RS2007-1879** (SHULMAN) appropriates \$5,000 from the reserve council infrastructure program, nonprofit grants and council initiatives account of the general fund of the general services district to the Nashville Chamber Orchestra. This organization provides musical celebrations and experiences throughout the year to the City of Nashville. These funds will be used to support community engagement programs of the Nashville Chamber Orchestra.

**RESOLUTION NO. RS2007-1880** (NEIGHBORS) appropriates \$5,000 from the reserve council infrastructure program, nonprofit grants and council initiatives account of the general fund of the general services district to the Nashville Humane Association. This organization provides humane care and treatment for animals needing protection in Davidson County. These funds will be used to pay for part of the costs of the "ROVER" mobile spay/neuter program.

**RESOLUTION NO. RS2007-1881** (TUCKER) appropriates \$5,000 from the reserve council infrastructure program, nonprofit grants and council initiatives account of the general fund of the general services district to the Youth Encouragement Services, Inc. This organization provides guidance and services for youth in the greater Nashville area. These funds will be used to pay for part of the cost of a new bus to transport children to educational, cultural, and social opportunities they would otherwise not have the opportunity to experience.

**RESOLUTION NO. RS2007-1882** (COLEMAN) – This resolution appropriates \$6,000 from the reserve council infrastructure program, nonprofit grants and council initiatives account of the general fund of the general services district to the Metropolitan Board of Parks and Recreation. The funds will be used to purchase baseball equipment and uniforms to supply teams of boys and girls at Antioch High School.

**RESOLUTION NO. RS2007-1883** (JAMESON) – This resolution appropriates \$7,000 from the reserve council infrastructure program, nonprofit grants and council initiatives account of the general fund of the general services district to the Metropolitan Development and Housing Agency. The funds

will be used to place an electronic sign for the James A. Cayce Homes, to be placed on South 7<sup>th</sup> Street. There is a housekeeping amendment correcting a typographical error.

**RESOLUTION NO. RS2007-1884** (TYGARD) appropriates \$10,000 from the reserve council infrastructure program, nonprofit grants and council initiatives account of the general fund of the general services district to the Bellevue Exchange Club Foundation. This organization provides various community programs, including their Family Center for the Prevention of Child Abuse, beautification projects, support of area youth recreational programs, etc. These funds will be used to provide an Automated External Defibrillator (AED) and training materials. The members of council requesting this grant and the amount designated from each are as follows:

Charlie Tygard	\$8,000
Adam Dread	\$2,000

**RESOLUTION NO. RS2007-1885** (CRADDOCK) appropriates \$10,000 from the reserve council infrastructure program, nonprofit grants and council initiatives account of the general fund of the general services district to Senior Citizens, Inc. This organization provides hundreds of educational and wellness programs for persons age 55 and over, assistance to those wanting to continue living independently in their homes, and volunteer opportunities in five centers within Davidson County. These funds will be used to provide recreational, health/wellness, and educational activities for senior adults at the Madison Station Senior Center.

**RESOLUTION NO. RS2007-1886** (TYGARD) – This resolution appropriates \$12,790 from the reserve council infrastructure program, nonprofit grants and council initiatives account of the general fund of the general services district to the Metropolitan Board of Parks and Recreation. The funds will be used for the construction of canoe launching ramps along the Harpeth River.

**RESOLUTION NO. RS2007-1887** (HART & DOZIER) appropriates \$13,000 from the reserve council infrastructure program, nonprofit grants and council initiatives account of the general fund of the general services district to the Isaac Litton Alumni Association, Inc. This organization was established to raise funds to renovate and/or restore the only portion remaining of the old Isaac Litton High School. These funds will be used to pay a portion of the fees for architectural services for renovation of the old gymnasium. The members of council requesting this grant and the amount designated from each are as follows:

Jason Hart	\$10,000
Buck Dozier	\$3,000

**RESOLUTION NO. RS2007-1888** (BURCH & TUCKER) appropriates \$13,750 from the reserve council infrastructure program, nonprofit grants and council initiatives account of the general fund of the general services district to the Nashville Inner City Ministry, Inc. This organization provides Life Skills classes for 1,000 inner-city youth, ages four to eighteen. These funds will be used to pay a portion of the costs of the Leadership Development Summer Camp at Camp Hy-lake for 360 selected youth. The members of council requesting this grant and the amount designated from each are as follows:

Carl Burch	\$8,750
Carolyn Baldwin Tucker	\$5,000

**RESOLUTION NO. RS2007-1889** (JAMESON) – This resolution appropriates \$24,000 from the reserve council infrastructure program, nonprofit grants and council initiatives account of the general



fund of the general services district to the Metropolitan Transit Authority. The funds will be used for the construction of four bus shelters with artistic renderings in District 6.

**RESOLUTION NO. RS2007-1890** (HART, RYMAN & OTHERS) appropriates \$27,000 from the reserve council infrastructure program, nonprofit grants and council initiatives account of the general fund of the general services district to the Discover Madison, Inc. This organization provides for the organization, collection, and maintenance of historical artifacts and photographs at a museum located within the historic "Amqui Train Station". These funds will be used to pay part of the costs of placement, restoration, and rehabilitation of the Amqui Station Depot. The members of council requesting this grant and the amount designated from each are as follows:

Jason Hart	\$10,000
Rip Ryman	\$7,000
Buck Dozier	\$5,000
Diane Neighbors	\$3,000
Carolyn Baldwin Tucker	\$2,000

**RESOLUTION NO. RS2007-1891** (RYMAN) – This resolution appropriates \$30,250 from the reserve council infrastructure program, nonprofit grants and council initiatives account of the general fund of the general services district to the Metropolitan Nashville Police Department. The funds will be used pay for "Crime Reduction Team" activities in the South Sector. There is a housekeeping amendment correcting a typographical error.

**RESOLUTION NO. RS2007-1892** (GOTTO, CRAFTON & OTHERS) appropriates \$51,750 from the reserve council infrastructure program, nonprofit grants and council initiatives account of the general fund of the general services district to the Ladies' Hermitage Association. This organization provides for the preservation of the Hermitage and operation of the historic property as a public museum. These funds will be used to pay a portion of the costs of repairs to the roof and ceiling of the Visitor Center.

The members of council requesting this grant and the amount designated from each are as follows:

Jim Gotto	\$28,750
Feller Brown	\$10,000
Eric Crafton	\$5,000
Harold White	\$5,000
Ronnie Greer	\$2,000
Rip Ryman	\$1,000

**RESOLUTION NO. RS2007-1893** (COLE, ADKINS & OTHERS) appropriates \$95,083 from the reserve council infrastructure program, nonprofit grants and council initiatives account of the general fund of the general services district to the Nashville Alliance for Public Education, Inc. This organization provides for the solicitation and disbursement of donations for the benefit of the public school system in Davidson County. These funds will be used to provide educational support in furtherance of the purposes of the Alliance's mission. The members of council requesting this grant and the amount designated from each are as follows:

Erik Cole	\$20,083
Greg Adkins	\$20,000
Jason Hart	\$20,000
Jim Shulman	\$20,000

Randy Foster	\$10,000
Emily Evans	\$5,000

There is a housekeeping amendment correcting a typographical error.

**RESOLUTION NO. RS2007-1894** (RYMAN) – This resolution authorizes the department of law to compromise and settle the lawsuit brought by Glen Scrivens and Tennessee Farmers Mutual Insurance Company against the Metropolitan Government for the amount of \$32,754.41. This claim arises from an automobile accident that occurred on January 15, 2004, between a Metro water services employee and Mr. Scrivens. The Metro employee was traveling north on 11<sup>th</sup> Avenue when he failed to stop at a stop sign at the Jackson Street intersection and struck the truck driven by Mr. Scrivens. Mr. Scrivens' vehicle was turned on its side and slid across the road. The accident caused \$17,795.82 in damage to Mr. Scrivens' truck. In addition, Mr. Scrivens incurred \$6,628.59 in medical expenses and costs to hire replacement labor for his business while he was recuperating. The Metro employee involved in the accident admitted to failing to stop at the stop sign.

The department of law recommends settling this lawsuit for \$32,754.41, which consists of \$17,795.82 in property damage, \$6,628.59 in medical and business expenses, and \$8,330 for pain and suffering. If approved by the council, this amount will be paid from the self insured liability fund.

The Metro employee involved in this accident received disciplinary action consisting of a one day suspension and was required to attend a defensive driving class.

### **– BILLS ON SECOND READING –**

**ORDINANCE NO. BL2006-1262** (JAMESON) – This ordinance amends the building code to allow the installation of plumbing fixtures designed to reduce or eliminate water consumption. The code currently requires all plumbing fixtures be supplied with water. However, recent technological advancements in the plumbing fixture industry designed to conserve water have resulted in the development of the "non-water urinal," which uses a specialized cartridge in the drain that allows waste fluids through while preventing odors from being released. This technology has been endorsed by the U.S. Green Building Council. This ordinance would allow the installation of these non-water urinals, as well as other plumbing fixtures specifically designed to reduce water consumption.

**ORDINANCE NO. BL2007-1374** (BRILEY, COLE & OTHERS) – This ordinance amends Title 16 of the Metropolitan Code to require sustainable building design standards for new and renovated Metropolitan Government buildings and facilities. Sustainable building design standards encompass the following broad topics: efficient management of energy and water resources, management of material resources and waste, protection of environmental quality, protection of occupant health and indoor environmental quality, reinforcement of natural systems, and integrating the design approach. Although the Metropolitan Government has made a concerted effort over the past seven years to reduce energy consumption in Metro facilities and to promote site sustainability, there are no sustainable building provisions expressly contained in the building code.

This ordinance would require all new construction and renovations in excess of 5,000 square feet or exceeding \$2 million for which the planning or construction commences after August 1, 2007, to

pursue LEED certification through the U.S. Green Building Council (USGBC) and to develop a strategy for LEED Silver certification. LEED is an acronym for Leadership in Energy and Environmental Design, which uses a green building rating system developed by the USGBC. The rating system contains prerequisites and credits in six categories: sustainable site planning, improving energy efficiency, conserving materials and resources, embracing indoor environmental quality, safeguarding water, and innovation in design. There are currently four different rating levels for LEED certification: Certified, Silver, Gold, and Platinum.

This ordinance would apply to all Metropolitan Government departments, agencies, boards and commissions, with the exception of the Metropolitan Board of Public Education, the Metropolitan Transit Authority and the Metropolitan Housing and Development Agency. These excepted agencies have the sole authority under the Metropolitan Charter for the erection, maintenance and improvement of their facilities. In addition, the LEED certification requirements would not apply to Metro facilities that are to remain predominately unoccupied or to serve "specialized functions" such as thermal transfer functions, solid and/or toxic waste disposal functions, water and wastewater treatment functions, warehouse/storage functions, and mechanical functions.

In the event a Metro building or facility fails to obtain the required LEED certification within two years from the date the final use and occupancy permit is issued, the council would determine by resolution whether to relieve the government of pursuing the LEED certification. Once the council adopts a resolution continuing the requirement for LEED certification, the government would have an additional year in which to obtain the certification or have the use and occupancy permit revoked.

The director of finance has refused to certify that funds are available for the implementation of this ordinance. According to the finance director's letter, mandating LEED certification would result in a 1% to 15% increase in costs to the Metropolitan Government for building construction and would require that additional employees be hired to implement the ordinance. A copy of the finance director's letter is attached to this analysis.

**ORDINANCE NO. BL2007-1382** (COLE & RYMAN) – This ordinance, as amended, amends the Metro Code to implement standards of conduct for all Metropolitan Government elected officials, employees and members of boards and commissions. As part of the state ethics legislation enacted by the Tennessee General Assembly last year, all local legislative bodies must enact comprehensive ethics provisions applicable to all elected officials, members of boards and commissions, and employees not later than June 30, 2007. This ordinance is modeled after the standards of conduct ordinance for members of council prepared by the Ethics Review Task Force, which was approved by the council in 2005 with several amendments.

This ordinance would consolidate all of the ethics provisions in the code into one chapter. In addition to the current chapter pertaining to standards of conduct for members of council, the code includes ethics provisions applicable to board and commission members. Although Metro employees are not currently covered by an ethics ordinance, the Mayor's executive order on ethics applies to all Metro employees.

Although the language of this ordinance makes the provisions applicable to "employees", the word employee is broadly defined to include all elected officials and board/commission members, as well as Metro employees. As with the current council ethics ordinance, this ordinance includes a blanket prohibition on employees accepting "anything of value", which includes money, gifts, benefits, advances, etc. The ordinance does contain exceptions not considered "anything of value", including

the following: (1) compensation paid by an employer; (2) fees earned from outside employment; (3) hospitality extended for a purpose unrelated to government business; and (4) lawful campaign contributions. This ordinance would also prohibit employees from using Metropolitan Government property or information for personal use, or from providing services for compensation to a person or entity having business before the Metropolitan Government unless it is the person's primary source of income and he/she discloses the interest. Further, employees would be prohibited from accepting promotional items in excess of \$25, and meals, tickets, admissions to events, or travel expenses in excess of \$100 from a single source in a given year.

The ordinance, as amended, also includes the "meal ban" provisions from the existing council ethics ordinance, which would be applicable to all employees, board and commission members, and elected officials covered by this ordinance. This meal ban would prohibit the acceptance of any gratuitous food or beverages from any individual, entity or organization that (1) is currently performing services or has performed services in the past for the Metropolitan Government for compensation; (2) is seeking to enter into a contractual relationship with the Metropolitan Government to perform services for compensation; (3) currently has a matter pending with the Metropolitan Council or other Metropolitan board or commission; (4) has had a matter pending with the Metropolitan Council or other board or commission in the past; or (5) is likely to have a matter pending with the Metropolitan Council or other board or commission in the future.

This ordinance would also require certain officials and employees to file annual disclosure statements and benefit reports that are very similar to the existing disclosures submitted by members of council. The disclosure requirements would apply to the mayor, all employee's in the mayor's office, the council office, the holders of all elected offices authorized or created by the Charter, and all directors, assistant directors and associate directors of Metro departments, agencies, boards and commissions. The information that must be disclosed is very similar to what must be disclosed on the state disclosure of interest statement, which all local elected officials must submit annually. The annual disclosure statement would include the following information for employees and their spouses:

1. Sources of income. This only requires the disclosure of the source of income, not the amount received.
2. Financial interest of 5% or more in any business with offices in Davidson County.
3. Ownership of property located in Davidson County.
4. A position with any for-profit or non-profit entity, labor group, or educational or other institution, regardless of whether income is received for such position. This would include membership on boards of charitable organizations.
5. Financial interests in any litigation involving the Metropolitan Government.
6. Debts in excess of \$5,000 owed to any one creditor, excluding debts owned to family members or established financial institutions in the ordinary course of business (i.e. car loans, mortgages, etc.).

This ordinance contains a 60-day delayed implementation provision for the filing of the first annual disclosure statement after the ordinance is enacted. This annual disclosure statement must be amended within 30 days of the occurrence of any material change to the disclosures.

Complaints against employees and officials covered by this ordinance would be handled as follows:

- Complaints against elected officials or members of boards/commissions would be filed with the board of conduct. The complaint and investigation procedures are essentially the same as under the current code provisions applicable to members of council.
- Complaints regarding ethics violations by employees other than elected officials or members of boards or commissions are to be made to the authority that appointed the person to the

position. Decisions of the appointing authority regarding violations of this ordinance by employees within the classified service may be appealed to the civil service commission in accordance with the civil service rules.

The council office would remind members of council that state law mandates that the council enact a comprehensive ordinance not later than June 30 of this year. Failure to enact such an ordinance by June 30 would make council members subject to removal from office.

**ORDINANCE NO. BL2007-1384** (COLE & BRILEY) – This ordinance amends the Metro Code to prohibit certain activities involving the disposal of excavated fill material that occur within the drainage area of a designated scenic river under the Tennessee Scenic Rivers Act of 1968. State law currently prohibits landfills for the disposal of solid or hazardous wastes from being located within two miles from the center of a class II scenic river, which includes the Harpeth River in Davidson County. The purpose of this state law is to protect these scenic rivers from possible pollution due to the proximity of landfills. However, state law does not prohibit the use of fill material such as rock and stumps, that are not considered solid waste, within two miles of a scenic river.

In addition to what is already prohibited by state law, activities that involve the use of excavated fill material that occur within two miles of a scenic river would be prohibited if one or more of the following conditions exist:

1. The activity is not primarily related to a construction site under common operation that is covered under the State of Tennessee's construction general permit. The state permit does not grant coverage for potential discharge of pollutants that would cause degradation to scenic rivers.
2. The operator of the disposal fill activity site and the operator of the source fill material site is not the same.
3. The disposal fill activity is a commercial operation serving multiple unrelated construction projects by different operators.
4. The disposal fill activity operates beyond the completion of the construction activity it supports.
5. The applicant fails to describe in a comprehensive storm water pollution prevention plan appropriate controls and measures that will be implemented to control for discharges from all activities related to the excavation and disposal of fill material.

**ORDINANCE NO. BL2007-1389** (GILMORE & MURRAY) – This ordinance amends the Metro Code to require the health department to notify the public upon the spraying of airborne pesticides. Specifically, this ordinance would require the health department to take the following actions in the event it is determined that pesticide spraying is necessary:

1. Post signs informing neighborhood residents that the department of health will be spraying airborne pesticides not less than forty-eight (48) hours prior to spraying pesticides in the area.
2. Upon request, provide residents written notice by email, U.S. mail, or telephone informing them when airborne pesticides will be sprayed in their neighborhood.
3. Provide a 300-foot buffer zone around property that is on the "no-spray list". The buffer will not be required if the director of health determines that an emergency situation exists as a result of high mosquito populations and life threatening human infection has been documented in the area scheduled to be sprayed.
4. Airborne pesticides are not to be sprayed within 48 hours of any air quality alert.

The health department currently honors requests from individual homeowners that do not wish to have their property sprayed for mosquitoes. Individuals can contact the health department by phone or email to request that they be placed on the no-spray list.

The director of finance has refused to certify that funds are available to implement this ordinance. According to the finance director's letter, this ordinance would cost at least \$35,300 annually to administer. Due to the increased costs of healthcare for inmates in the custody of the sheriff, a supplemental appropriation will be required at the end of this fiscal year to balance the health department's budget. A copy of the finance director's letter is attached to this analysis.

**ORDINANCE NO. BL2007-1393** (ISABEL, RYMAN & ADKINS) – This ordinance authorizes the director of public property administration to accept a 0.62 acre parcel of property from Habitat for Humanity, Inc., for use as part of the parks system. The Providence Park subdivision developed by Habitat for Humanity was designed to include a public park. This ordinance has been approved by the board of parks and recreation and the planning commission.

**ORDINANCE NO. BL2007-1400** (WILHOITE) – This ordinance amends the Metropolitan Code to require property owners to clean up graffiti on their property. The code currently makes it unlawful to apply graffiti on any public or private structure, and makes it unlawful for minors to be in possession of graffiti implements on public or private property without the consent of the property owner. Parents who knowingly allow their children to possess a graffiti implement are personally liable for all clean-up costs. Further, the code was amended in 2005 to prohibit the sale of graffiti implements to minors.

This ordinance would further amend the code to require owners of property to remove all graffiti that is visible from the street or another property within 10 days from receiving written notice from the police department or the department of codes administration of the existence of the graffiti. Owners that fail to remove the graffiti within 10 days would be subject to a citation to environmental court and a \$50.00 fine, with each day in excess of the 10 days counting as a separate violation.

**ORDINANCE NO. BL2007-1401** (WHITMORE) – This ordinance amends the Metropolitan Code to place restrictions on the storage of antique motor vehicles on residential property. The property standards code currently prohibits the storage of inoperable or unregistered motor vehicles. Further, no vehicle may openly be in a major state of disassembly or disrepair.

This ordinance would require that all antique motor vehicles (defined as motor vehicles over 25 years of age) be in an operable condition and have an antique motor vehicle license plate displayed on the vehicle. In addition, all antique vehicles openly stored on residential property would be required to contain an engine, radiator, hood, all doors, trunk lid, bumpers, fenders, four wheels with inflated tires, all windows in operable condition, both front and rear windshields, and a complete exhaust system.

**ORDINANCE NO. BL2007-1402** (DREAD) – This ordinance amends the Metropolitan Code to require taxicab drivers and other drivers of vehicles for hire to provide proof of CPR certification prior to obtaining a driver's permit from the transportation licensing commission. The code requires all drivers of vehicles for hire with a seating capacity of less than nine persons to obtain a driver's permit

before operating a taxicab or other similar vehicle on Metro streets. In order to obtain the driver's permit, the applicant must provide at least four references, a statement of their prior experience, an employment history and their educational background. This ordinance would add a new requirement that the applicant provide proof of a valid CPR certification and automated external defibrillator (AED) certification. These certifications must be valid throughout the duration of the license. Drivers holding a valid driver's permit at the time this ordinance is enacted would have 60 days to obtain the required certifications.

There is an amendment to this ordinance that corrects a numerical error and changes the time in which current drivers have to obtain the required certifications to 90 days.

**ORDINANCE NO. BL2007-1403** (TOLER & RYMAN) – This ordinance authorizes the Metropolitan Government to enter into a participation agreement with Burkitt Place Development, LLC to provide public sewer service to phase 2-C of the Burkitt Place subdivision in Davidson and Williamson Counties. Burkitt Place Development, LLC has agreed to contribute \$130,000 toward the cost of the project in aid of construction for a total of 65 single-family home connections. These funds are to be deposited into the water and sewer extension and replacement fund. This is a typical participation agreement entered into by the department of water and sewerage services whereby private property owners and/or developers contribute a portion of the cost to extend or upgrade public water and sewer service. The Council has already approved a prior ordinance for a \$92,000 contribution for another phase of this subdivision.

**ORDINANCE NO. BL2007-1404** (WALLACE) – This ordinance abandons an unpaved portion of Alley # 566 between Warren Street and Alley # 565. This alley closure has been requested by Ms. Leslie Oliver, an adjacent property owner. All easements are being retained by Metro Government. Consent of the affected property owners is on file with the department of public works.

This ordinance has been approved by the planning commission and the traffic and parking commission.

### **– BILLS ON THIRD READING –**

**ORDINANCE NO. BL2006-1206** (SUMMERS & JAMESON) – This zoning text change would replace the existing special exception standards for historic home events with new standards. Under the zoning code, "historic home events" must be permitted by the board of zoning appeals (BZA) as a special exception use. The zoning code defines historic home event as "the hosting of events such as, but not limited to, weddings or parties for pay at a private home which has been judged to be historically significant by the historic commission." The code includes certain criteria that must be met in order for property to be permitted to hold these home events, such as parking standards, limited meal service, and a requirement that the home be owner-occupied. This ordinance expands these standards to limit the impact that such a use has on the surrounding neighborhood.

The proposed new standards for historic home events are as follows:

1. The event must be held at a historically significant home, which is the same as the current standard.

2. All exterior work on the structure must be approved by the historic zoning commission using the neighborhood conservation overlay design guidelines.
3. Historic home events would have to be separated by at least 1,000 feet from another historic home event.
4. If the lot is less than five acres, all aspects of the event must be located indoors. If the lot is more than five acres, events may be held outside at the discretion of the BZA. This restriction would greatly limit the ability of historic home events from being located in urban areas since all activities would have to take place indoors.
5. If the minimum parking standards require additional parking on the property, the parking must meet the perimeter parking lot landscaping requirements and the parking must be located on the property "so as not to impact the continuity of the existing neighborhood context."
6. All lighting must be shielded from adjacent properties.
7. Meals and beverages are limited to patrons of the event only.
8. The home must be owner-occupied, and a site plan must be submitted detailing the personal living space, event preparation areas, and event location areas.
9. The BZA may limit the number and frequency of the events and may limit the number of attendees per event to minimize disturbance to surrounding properties.

This ordinance has been approved by the planning commission.

**ORDINANCE NOS. BL2006-1285** (WILLIAMS) – This zoning text change creates a new land use called "passive park", and provides a definition for passive parks. The zoning code currently defines "park" as being one of the three following uses:

1. An area open to the public for recreational uses;
2. An area predominantly kept in a natural state; or
3. Governmental property specifically designated as a park, natural area or recreation area, provided that greenways are not to be considered parks under the zoning code.

This ordinance defines "passive" park as an outdoor facility open to the public for any passive recreational activity such as pedestrian activities, hiking and jogging, or that serves as a historical, cultural or archeological attraction. Passive parks would have to be maintained in a natural state.

Further, organized team sports would be prohibited in passive parks. Passive parks would be permitted as a special exception use in all residential districts, requiring approval by the board of zoning appeals, but would be permitted by right in all other zoning districts.

This ordinance would also add certain conditions that passive parks would have to meet in order to be eligible for a special exception. First, the driveway access would have to be from a collector street unless a traffic study indicates that traffic can be safely and efficiently accommodated by the existing local street network without negatively impacting the surrounding neighborhood. Second, a landscape plan would be required to be submitted along with a recommendation from the urban forester. Third, only the least amount of lighting necessary to ensure the safety of visitors would be permitted. Finally, approval of a passive park would be contingent upon the park owner's commitment to maintain the property in a safe, clean and functional manner.

The planning commission recommended disapproval of this ordinance.



**ORDINANCE NO. BL2007-1364** (EVANS) – This zoning text change would substitute the regulations pertaining to historic home events and historic bed and breakfast homestays. The purpose of this ordinance is to be an alternative to Ordinance No. BL2006-1206, which is also on third reading, that would add more stringent standards applicable to historic home events. Under the zoning code, “historic home events” must be permitted by the board of zoning appeals (BZA) as a special exception use. The zoning code defines historic home event as “the hosting of events such as, but not limited to, weddings or parties for pay at a private home which has been judged to be historically significant by the historic commission.” The code includes certain criteria that must be met in order for property to be permitted to hold these home events, such as parking standards, limited meal service, and a requirement that the home be owner-occupied. There are currently only three properties permitted as a historic home event use in a residential area: Riverwood, the Demonbreun House, and the Ambrose House.

This ordinance would create two separate categories of historic home events. The standard historic home event use would only be permitted in residential areas as part of a neighborhood landmark overlay district. The use would be permitted by right in all other zoning districts. The second category of historic home event uses would be called a “limited historic home event”. A limited historic home event would be permitted by special exception (SE) in residential districts, requiring approval of the board of zoning appeals (BZA). The ordinance establishes new standards for the BZA to consider in determining whether to grant a SE use for a limited historic home event. These new standards are as follows:

1. The home would be limited to 26 events per year with a maximum of 50 guests per event.
2. All activity would be required to take place inside the home.
3. The BZA is to consider past codes and zoning enforcement actions taken against the property owner.
4. The SE use must be compatible with the general plan, and the planning commission is to make a recommendation to the BZA regarding its plan compatibility.
5. The limited historic home events must take place inside the historic structure.
6. All interior and exterior work must be done in accordance with the U.S. Secretary of the interior standards for the treatment of historic properties. The applicant may utilize the Metro historic zoning commission staff to ensure compliance with these standards.
7. All guest parking must either be on-premises or a shuttle service must be used for off-premises parking.
8. All signs on the property must be no larger than four square feet.
9. Meal and beverage service is limited to those guests invited by the host.
10. The home must be owner-occupied, and a site plan must be submitted detailing the personal living space, event preparation areas, and event location areas.

There is a proposed substitute offered for this ordinance that would remove the limited historic home event use and make all historic home events permitted as a SE use. The substitute would include the following standards, some of which are contained in the pending version of the ordinance:

1. Applicants and holders of special exception permits would expressly be expected at all times to comply with the property standards code, zoning regulations, and restrictions placed upon the applicant by the BZA.
2. Once Metro takes three or more zoning and/or codes enforcement actions against the special exception permit holder, the zoning administrator is to request a show cause hearing before the BZA to consider revocation of the permit. Further, a show cause hearing is to be requested if the zoning administrator becomes aware that the permit holder has not adhered to promises made to the BZA at the time the permit was granted.

3. Events with 30 or fewer people, including servers and other staff, may take place outside the historic home.
4. No more than 100 people would be allowed at an event under any circumstances. The BZA would have the authority to further limit the number of patrons at the event.
5. All interior and exterior work must be done in accordance with the U.S. Secretary of the interior standards for the treatment of historic properties. The applicant may utilize the Metro historic zoning commission staff to ensure compliance with these standards.
6. All guest parking must either be on-premises or a shuttle service must be used for off-premises parking.
7. The historic home event may take place between the hours of 8:00 a.m. and 9:00 p.m. Monday through Thursday, and 9:00 a.m. through 11:00p.m. on Friday and Saturday. Events would not be allowed on Sundays.
8. No amplified music would be allowed.
9. Meal and beverage service is limited to those guests invited by the host.
10. The home must be owner-occupied, and a site plan must be submitted detailing the personal living space, event preparation areas, and event location areas.
11. A historic home event permit may last no more than five years.

The council office is of the opinion that several of the provisions in the substitute pertaining to all SE uses, not just historic home events, may exceed the scope of the caption. To remedy this, a separate ordinance has been filed containing the same provisions, which will be considered at the May public hearing.

This ordinance has been approved by the planning commission.

**ORDINANCE NO. BL2007-1366** (BROWN) – This zoning text change would allow signs with changeable text, graphics or displays to be erected in the commercial limited (CL) zoning district. These signs are currently permitted in the more intense commercial and industrial districts, but are prohibited in the office, mixed-use, commercial neighborhood and commercial limited districts. This ordinance would allow signs with changing graphics but would not allow video signs.

There are numerous amendments to this ordinance that would exempt various streets and roads from the application of the ordinance.

This ordinance was disapproved by the planning commission.

**ORDINANCE NO. BL2007-1372** (WALLACE, JAMESON & OTHERS) – This ordinance amends the Metro Code to impose a permitting process and regulations on the placement of newsracks within the public right-of-way. Although the Metro Code currently prohibits encroachments from being within the right-of-way without a permit, the Metropolitan Government has not enforced these code provisions against newsracks because of First Amendment free speech concerns. This ordinance was filed as a replacement for Ordinance No. BL2006-998, which would have prohibited any temporary or permanent encroachment in the public right-of-way without a permit from Metro. This ordinance would give the director of public works jurisdiction over permitting and regulating newsracks in the public right-of-way, and would give the public works director the authority to adopt appropriate rules and regulations to implement this ordinance.

Effective June 30, 2007, no newsrack would be allowed within the right-of-way without obtaining an annual permit from the department of public works. All persons responsible for existing newsracks

within the right-of-way on June 30, 2007, must submit an application for a permit with a photograph showing proof of the current location. Those persons seeking new newsracks will have to file a permit application showing (1) the applicants name, address, and phone number; (2) the frequency of publication; and (3) the exact location on a map where the newsrack will be placed. No person or publication will be allowed more than one permit for a newsrack at any one intersection.

Along with the application, the applicant must submit a permit fee of \$50 for each single-unit freestanding newsrack, and \$10 per unit in a multi-unit fixed newsrack. A multi-unit newsrack is a newsrack that is permanently affixed to the ground and contains space for at least five publications. All permits will be issued for one year. A renewal application must be submitted within sixty days of the expiration of the permit along with a \$10 renewal fee. A permit for one location may be renewed only four consecutive times. A permit may be revoked by the public works director after 15 days written notice of a violation of this ordinance or the regulations promulgated by the director.

The ordinance provides that all permitted newsracks must be maintained in good repair and working order. Newsracks will not be permitted on any part of the right-of-way where motor vehicles are permitted, and must leave at least 36 inches of clearance for pedestrian travel. As stated above, the director of public works will have the authority to implement additional regulations pertaining to the location of newsracks that are not specifically detailed in the ordinance.

The director of public works will have the authority to seize a newsrack that is placed in the right-of-way in violation of this ordinance. Prior to seizure, the director must give written notice to the permit holder giving them 15 days to correct the violation. If the permit holder does not request a hearing and has not remedied the violation, the newsrack shall be removed from the right-of-way and stored by the department of public works. If the placement of the newsrack is installed or maintained in such a manner as to endanger any person or property, the newsrack may be removed immediately without prior notice to the permit holder. Once a newsrack is seized, the permit holder will have 30 days in which to claim the newsrack and pay a \$100 storage fee for a single freestanding newsrack or \$500 for a multi-unit fixed newsrack.

In order to withstand judicial scrutiny, the ordinance includes a detailed hearing procedure that must be followed prior to taking action against the permit holder, which gives the permit holder an opportunity to plead their case before the public works director as to why they are not in violation. A request for a hearing must be submitted to the director of public works within 5 days of receiving notice of the director's decision to deny an application, revoke a permit, or seize a newsrack. The hearing must be held within 25 days, and the permit holder may present evidence as to why the director's decision was in error. The director must render a final decision within 5 days of the hearing. The director's decision may be appealed by writ of certiorari to chancery or circuit court within 60 days from the date of the hearing. If a decision is appealed, the decision shall not take effect until the appeal proceedings have concluded.

The council office is of the opinion that the First Amendment concerns associated with Ordinance No. BL2006-998 have been adequately addressed in this ordinance. This ordinance does not make a distinction based upon the content of the publication. The federal courts have upheld the regulation of newsracks upon the public right-of-way provided the regulations are content-neutral and are reasonable time, place and manner restrictions. Courts have affirmed ordinances regulating the size, location, installation, and maintenance requirements for newsracks, all of which would be regulated by this ordinance. Protecting public safety and aesthetics are recognized by the courts as legitimate purposes for regulating newsracks. While an outright ban of newsracks would be unconstitutional, the council office is of the opinion that this ordinance leaves open ample alternative channels of

communication. In order for the licensing fee to be constitutional, the city must demonstrate that the fee is no more than necessary to cover the administrative costs for implementing the regulatory program. The fees included in this ordinance were set by the department of public works based upon estimates for the actual costs to the department of inspecting the newsracks and issuing the licenses. Further, the hearing procedure in the ordinance provides applicants and permit holders adequate opportunity to appeal a decision of the public works director.

There is a housekeeping amendment for this ordinance correcting a typographical error in the amount of the permit renewal fee that should be offered on third reading, which will require a suspension of the rules.

**ORDINANCE NO. BL2007-1373** (COLEMAN, WILHOITE & ALEXANDER) – This ordinance amends Title 16 of the Metropolitan Code by adopting the 2006 edition of the International Residential Code for One and Two Family Dwellings. This routine ordinance update replaces the 2000 edition of this code. State law requires local governments to adopt building codes every six years. Copies of the new edition of the code are filed with the Metro Clerk.

The new version of the code includes several significant changes from the 2000 version, much of which is related to increased energy conservation requirements. In addition to the adoption of the uniform code, this ordinance includes certain local amendments, the vast majority of which are already in the code.

Ordinance No. BL2007-1390, also on third reading, is a companion bill that adopts codes for commercial and multi-family buildings, as well as the uniform fire, plumbing and mechanical codes.

**ORDINANCE NO. BL2007-1387** (WALLACE, DOZIER & OTHERS) – This ordinance names the grassy portion of the roundabout right-of-way located at the intersection of Division Street, 16<sup>th</sup> Avenue South, Music Square East, and Demonbreun Street, "Buddy Killen Circle". Buddy Killen (1933-2006) was a successful musician and businessman who became president of Tree Publishing in 1974. This ordinance would not change the names of any of the above streets on the official street and alley acceptance and maintenance map, but the ordinance provides that the department of public works is to erect the appropriate signage at the roundabout designating it as "Buddy Killen Circle".

This ordinance has been referred to the planning commission and the board of parks and recreation.

**ORDINANCE NO. BL2007-1388** (WALLS) – This ordinance, as amended, amends the Metro Code provisions applicable to pawnbrokers, secondhand dealers and junk dealers to reduce the reporting requirements for secondhand bookstores. The code currently requires persons dealing in secondhand goods to retain possession of items they purchase for fifteen days before they can be resold. Further, secondhand bookstores must submit daily reports to the police department of all used books they purchase indicating the name and author of the book, and the name, address and description of the person from which the book is purchased. This ordinance essentially exempts secondhand bookstores from these requirements. Rather, secondhand bookstores would be required to retain records of all used books they purchase, which records are to be available for review by the police department at any time. These purchase records are to be updated on a daily basis.

**ORDINANCE NO. BL2007-1390** (COLEMAN, WILHOITE & ALEXANDER) – This ordinance amends the Metro Code by adopting the latest edition of several standard codes. Copies of the new editions of the standard codes are on file with the Metropolitan Clerk. Metro adopts new codes when they are amended and updated, which is generally every few years. The last time new standard codes were adopted was in September of 2002 for the 2000 standard code editions. This ordinance is a companion to Ordinance No. BL2007-1373, which is also on third reading. State law requires local governments to adopt a building code edition that is within six years of the latest published editions. Generally, Metro also adopts some amendments to the standard codes that are local in nature, which are included as part of this ordinance. This ordinance adopts the 2006 editions of the fire prevention and life safety code, the international building code, the international energy conservation code, the international fuel gas code, the international mechanical code, and the international plumbing code. The various building and fire codes are adopted at the same time to avoid conflicts between the various codes. The new standard codes have been approved by the board of fire and building code appeals, the board of plumbing examiners and appeals, and the board of gas/mechanical examiners and appeals.

As stated above, in addition to adopting the standard codes, this ordinance adopts some local amendments. These amendments basically make the new code read in the manner that is consistent with the previous language. The local amendments also make the codes consistent with Metro's regulatory and appeals processes and in compliance with state law.

There are two major changes to the fire code regarding the installation of sprinklers. Under the new code, sprinklers will be installed in all new residential buildings other than single and two-family structures. Further, sprinklers will be required in all restaurants with a 100-person maximum occupancy or more, as well as in all group homes.

**ORDINANCE NO. BL2007-1391** (SUMMERS, TUCKER & OTHERS) – This ordinance would require all Metro departments, agencies, boards, and commissions to respond to council information requests within 30 days. If additional time is needed to adequately provide the information, the department would be required to send a letter to the Member of Council requesting the information within 30 days stating that additional time is needed and providing an estimate of when the information will be submitted to the council.

The council office would point out that the council already has the authority through the budget process to decrease the operating budgets of departments that do not respond to council requests. Further, Rule 27 of the Council Rules of Procedure provides that "no resolution or ordinance involving the appropriation or expenditure of funds may be considered by the Metropolitan Council if the department, agency or office benefiting from the appropriation or expenditure has failed for thirty or more days to respond to information requested by the Metropolitan Council or any committee of the Metropolitan Council."

**ORDINANCE NO. BL2007-1392** (ISABEL, TYGARD & OTHERS) – This ordinance authorizes the director of public property administration to accept easements for use in the development of the Harpeth River and Cumberland River greenway systems. The Harpeth River greenway easements to be accepted are as follows:

- 938 Footpath Terrace
- Morton Mill Road, unnumbered
- Old Harding Pike, unnumbered
- 2 Old Harding Pike

- 781 Harpeth Bend Drive
- CSX Railroad right-of-way
- Old Harding Pike right-of-way
- Highway 100 right-of-way

The Cumberland River greenway easements to be accepted are as follows:

- 1702 2<sup>nd</sup> Avenue North
- 1818 Cement Plant Road
- 90 Van Buren Street
- 1226 2<sup>nd</sup> Avenue North
- 1138 2<sup>nd</sup> Avenue North
- 1136 2<sup>nd</sup> Avenue North
- 1115 1<sup>st</sup> Avenue South
- 1000 2<sup>nd</sup> Avenue North
- 1512 2<sup>nd</sup> Avenue North
- 1<sup>st</sup> Avenue North, unnumbered

This ordinance has been approved by the planning commission.

**ORDINANCE NO. BL2007-1397** (WHITMORE) – This ordinance abandons a portion of Alley # 627 between Alley # 623 and Alley # 624 located north of Clifton Avenue and west of Spruce Street. This alley closure has been requested by Spruce Street Baptist Church. All easements are being abandoned by Metro. The closure of this alley will allow the church to construct a home for the disabled on the property. Consent of affected property owners is on file with the department of public works.

This ordinance has been approved by the planning commission and the traffic and parking commission.